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March 31, 2009

Honorable Nancy F. Atlas
United States District Judge
United States Courthouse
515 Rusk Avenue
Houston, Texas 77002

*Via Electronic Filing
and Messenger*

RE: Cause No. 04:08-cv-01273; Jackie Fisher v. University of Texas Medical Branch and David Watson.; In the United States Court for the Southern District of Texas, Houston Division.

To The Honorable Judge Atlas:

I have conferred at length with opposing counsel, Sam Lively, concerning the issue of Defendant's Motion for Protective Order and agree that the Peer Review Committee Report referenced in Defendant's Privilege Log Item No. 1 (Exhibit A) is indeed privileged under TEX. OCC. CODE §303.006(e)(1)(2). However, Plaintiff does *not* concede that the additional documents referenced in Nos. 2-18 of the Privilege Log provided by Defendant on March 31, 2009 at 1:33 p.m., are privileged and, in accordance with FEDERAL RULES OF CIVIL PROCEDURE Rule 26 (b)(5)(A), requests that the Court order Defendant to produce these documents, with any personal identifying information redacted. Plaintiff also contends that the Privilege Log produced by Defendant's counsel does not comply with the requirements of Rule 26 (b)(5)(A) in that the Log does not describe the documents not produced with particularity and in a manner that enables Plaintiff to fully assess other claims of privilege.

That being said, Plaintiff's counsel will still endeavor to resolve this issue without Court intervention and will notify the Court in the event that takes place prior to Thursday's setting.

Very truly yours,


Jo Miller